



Service Guidelines



IDEAL SITUATION

- If an attorney has made an appearance on behalf of an individual/institution, then service on the attorney is by first class mail and is considered proper service on that individual/institution.
- An attorney appearance in a case TRUMPS everything.



FDIC: Insured Depository Institutions

- Service to the attention of an officer (no name specified) must be done by certified mail.

Example:

Maxine Bank & Trust

c/o Officer



FDIC: Insured Depository Institutions

- Service to the attention of an unknown named individual (nothing has been filed in the case or on a claim to indicate who this person is in relation to the bank), is **improper**.

Example:

Maxine Bank & Trust

c/o Wild Cat Jones

*(Wild Cat Jones could be just the flea keeper & not an officer for all we know.)



FDIC: Insured Depository Institutions

- Service upon a named individual whose relationship with the bank is known, still has to be done by certified mail.

Example:

Maxine Bank & Trust
c/o Wild Cat Jones, Officer



FDIC: Insured Depository Institutions

- If an FDIC institution has waived in writing their entitlement to service by certified mail, then an order has been entered designating the named officer (service agent) to receive service. A list of these designated persons is shown on our website under service agents. These individuals can be served by first class mail.

Government Agencies

- **Any USA agency, service must be made to...**
the agency at their address with Attention:
Officer or Managing Agent; the Attorney
General located in Washington, DC; the United
States Attorney, Attention Civil Process Clerk,
located in Raleigh, NC.



Government Agencies

- **Service on the State of NC must be made by serving the Attorney General or Deputy/Assistant Attorney General.**

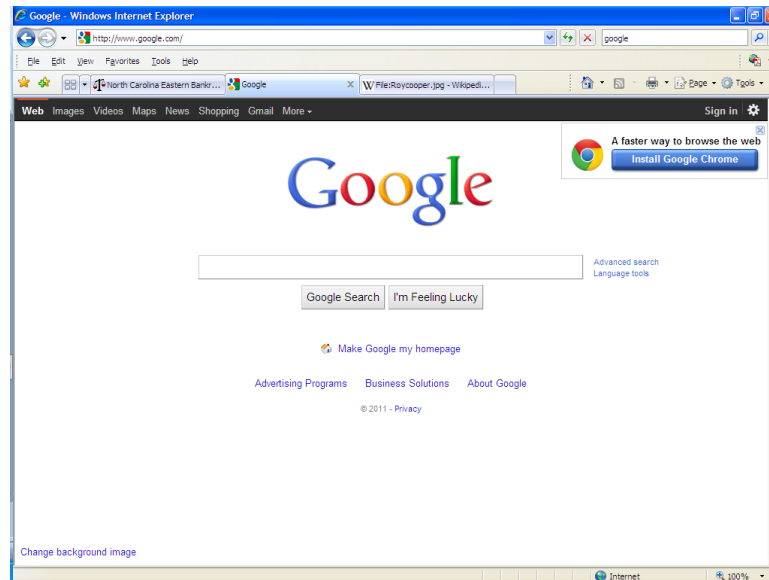


Government Agencies

- **Any NC agency or other NC governmental organization, service must be made to ...**
the designated process agent; the list of process agents are shown at www.ncdoj.gov
EXCEPTION: if no process agent is designated...
service must be made upon the Attorney General or Assistant Attorney General for NC

Government Agencies

- Any out of state agency, search Google by putting in Rules of Civil Procedure or General Statutes for the state you are looking for and once you get there, search for Process or Civil Process.



Non-governmental Corporations/Partnerships/Companies

- Service on a corporation, partnership or company should be made to the attention of an officer or managing agent.

Examples:

Bugs Bunny Corporation

c/o Officer

(or Managing Agent or Registered Agent)



Bugs Bunny Corporation

c/o Bugs Bunny, Officer

If an attorney has made an appearance in the case on behalf of the corporation, then service can be made on that attorney by first class mail.

Non-governmental Corporations/Partnerships/Companies

- Service to the attention of an unknown named individual (nothing has been filed in the case or on a claim to indicate who this person is in relation to the company), is improper.

Example:

Bugs Bunny Corporation
c/o Elmer Fudd

*(Elmer Fudd could be just the carrot counter & not an officer for all we know.)



Non-governmental Corporations/Partnerships/Companies

- Service upon a named individual whose relationship with the company is known is proper.

Example:

Bugs Bunny Corporation
c/o Elmer Fudd, Officer



Objections To Claims

Service is proper if...

- service is upon the claimant at the notice address specified on the proof of claim. (unless address has been updated pursuant to FRBP 2002(g))
- service is upon the claimant's attorney (attorney has made an appearance in the case) regardless if the proof of claim is signed by the attorney or not.
 - service on an FDIC institution is made as previously stated.
- Regarding an objection to claim of an FDIC institution, if an attorney has made an appearance in the case, service can be by first class mail on the attorney regardless if the attorney signed the claim or not.

Service on adversely affected parties

The service requirements of Rule 7004 do not apply whenever service is required on all creditors unless a specific creditor (or creditors) is adversely affected by the motion/application.

If there is an adverse affect, only the adversely affected creditor(s) is required to be served pursuant to Rule 7004.

For example:

A motion to modify plan which is served on all creditors states that the claim of a certain creditor will be deemed paid in full by the modification. That creditor may be adversely affected by the modification which means that service pursuant to Rule 7004 is required on that creditor.

Service on Officer



- A president, vice-president, secretary/treasurer is an officer. A CEO is an officer; a CFO is an officer

Service addressed to a specific person followed by one of these terms is sufficient.

Service on Officer

- **Example:**
- Little Red Riding Hood Bank
- c/o The Big Bad Wolf, CEO (or)
- c/o The Big Bad Wolf, CFO (or)
- c/o The Big Bad Wolf, President (or)
- c/o The Big Bad Wolf, Vice-President (or)
- c/o The Big Bad Wolf, Secretary/Treasurer

